

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : ROBERT LALESSE, ET AL.
Application No. : 10/594,406
Deposit date : September 26, 2006
Confirmation No. : 1931
For : APPARATUS AND METHOD FOR STACKING OBJECTS
Examiner :
Attorney's Docket : VER-210XX

TC Art Unit:

I hereby certify that this correspondence is being deposited with the United States Postal Service as U.S. EXPRESS MAIL in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 1, 2007.

By:

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

PETITION UNDER 37 C.F.R. §1.47(a)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Mr. ROBERT LALESSE, co-inventor with MARCEL VAN SCHIJNDEL, of the invention described and claimed in the above-referenced patent application, petitions under 37 C.F.R. §1.47(a) to be permitted to execute this application on behalf of himself and the other co-inventor, MARCEL VAN SCHIJNDEL, who refuses to join in the

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WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Express Mail Number

EV 560130219 US

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application. The fee of \$200.00 for this petition as set forth in §1.17(g) is submitted herewith.

The above-referenced application has two inventors, namely ROBERT LALESSE, having an address at Spinet 37, NL-6904 PD Zevenaar, The Netherlands; and MARCEL VAN SCHIJNDEL, having an address at Molenaar 39, NL-7141 PA Groenlo, The Netherlands.

Charles L. Gagnebin III, a Partner of Weingarten, Schurgin, Gagnebin & Lebovici, LLP, at Ten Post Office Square, Boston, Massachusetts 02109, acting on behalf of the Dutch Patent Law Firm VEREENIGDE, P.O. Box 87930, 2508 DH Den Haag, THE NETHERLANDS, attorneys for TRM Patenten B.V. a Dutch company having a principal place of business at Venkelveld 10, NL-7006 TL Doetinchem, The Netherlands, which has a proprietary interest in the application, deposited the application at the U.S. Patent and Trademark Office without signature on September 26, 2006. On September 27, 2006, Mr. Gagnebin sent the Declaration and Power of Attorney and Assignment documents to VEREENIGDE, for forwarding on to the two inventors for execution.

Specifically, the unexecuted Declaration and Power of Attorney document attached to a copy of the complete application,

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and an Assignment document, and a cover letter, were sent to Mr. ROBERT LALESSE and Mr. MARCEL VAN SCHIJNDEL at TRM PATENTEN B.V., Venkelveld 10, NL-7006 TL Doetinchem, The Netherlands. The letter contained instructions to review the included patent application and to execute and return the included Declaration and Power of Attorney, as well as the Assignment.

While Mr. ROBERT LALESSE executed the Declaration /Power of Attorney document and the Assignment on May 11, 2007; no response was received by VEREENIGDE from Mr. MARCEL VAN SCHIJNDEL regarding the documents sent to him for review and signature.

Thereafter, on August 3 and October 9, 2007, Mr. Michiel van Rooij of VEREENIGDE sent letters via *Registered Mail* to Mr. MARCEL VAN SCHIJNDEL, at his home address, which is Molenaar 39, NL-7141 PA Groenlo, The Netherlands, enclosing the complete application with formal documents and instructions for reviewing and signing the Declaration and Power of Attorney. (Copies of the letters are marked, respectively, Exhibit A and Exhibit C, and are attached to the accompanying Declaration of Mr. van Rooij.) A reminder letter from Mr. van Rooij to Mr. VAN SCHIJNDEL was also sent to his home address noted above on September 5, 2007 by *Registered Mail* (marked Exhibit B and attached to the accompanying Declaration.)

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On September 7, 2007, Mr. van Rooij received a telephone call from Mr. Marcel VAN SCHIJNDEL requesting an explanation for the reasons to file the Declaration/Power of Attorney and Assignment documents. Mr. van Rooij provided an explanation, and Mr. VAN SCHIJNDEL stated he would send the signed documents to Mr. van Rooij.

Mr. van Rooij did not receive the signed Declaration/Power of Attorney and Assignment from Mr. VAN SCHIJNDEL. Thereafter, on October 17, 2007, Mr. van Rooij telephoned Mr. VAN SCHIJNDEL at his home, and Mr. VAN SCHIJNDEL then stated his refusal to sign the Declaration/Power of Attorney and stated that he did not desire to further cooperate.

The last known residential address of the non-signing joint inventor, MARCEL VAN SCHIJNDEL, is Molenaar 39, NL-7141 PA Groenlo, The Netherlands.

These facts are repeated in Mr. van Rooij's Declaration.

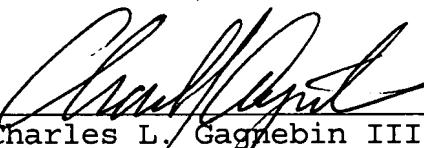
Enclosed is the Declaration and Power of Attorney document that has been signed by Mr. ROBERT LALESSE, the co-inventor, on behalf of Mr. VAN SCHIJNDEL in the signature block for Mr. MARCEL VAN SCHIJNDEL as prescribed under MPEP 409.03(a).

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Applicant ROBERT LALESSE respectfully requests acceptance of this petition and prompt prosecution of this patent application.

Respectfully submitted,

ROBERT LALESSE, ET AL.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
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Date: November 1, 2007

CLG/mc/353722.1
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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By: Charles L. Gagnebin III
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

DECLARATION OF **MICHAEL VAN ROOIJ** IN SUPPORT OF FILING
WITHOUT THE SIGNATURE OF AN INVENTOR UNDER 37 C.F.R. §1.47(a)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Michiel van Rooij, hereby declare as follows:

1. I am the attorney for the Applicants and TRM Patenten B.V., which has a proprietary interest in the above-identified application.

2. I attempted on August 3, 2007 to contact by letter one of the inventors, Mr. Marcel VAN SCHIJNDEL, of the above-referenced patent application.

3. Specifically, on August 3, 2007, I sent a letter to Mr. Marcel VAN SCHIJNDEL, Molenaar 39, NL-7141 PA Groenlo, The Netherlands, which is attached hereto as Exhibit A, which included instructions to review the copy of the patent application attached thereto and to sign and return the Declaration and the Assignment also included therewith.

4. I did not receive a response to the August 3, 2007 letter.

5. On September 5, 2007 I have sent a reminder to Mr. VAN SCHIJNDEL, asking when I might be able to receive the signed documents (Declaration and Power of Attorney, and Assignment), which is attached hereto as Exhibit B.

6. I received a telephone call in return from Mr. VAN SCHIJNDEL on September 7, 2007 in which he asks for the reasons to file the mentioned documents and which I have explained to him. After that he promises to send me the signed documents.

7. I did not receive the documents signed by Mr. VAN SCHIJNDEL.

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8. On October 9, 2007 I have sent Mr. VAN SCHIJNDEL a Final reminder by registered mail and asked him to send me the documents before October 23, 2007, otherwise we will presume that Mr. VAN SCHIJNDEL is refusing to sign the documents, a copy of which is attached hereto as Exhibit C.

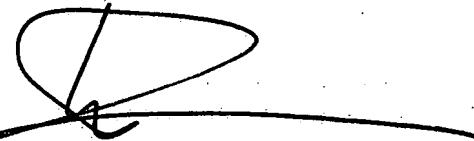
9. On 17 October 2007, I called Mr. VAN SCHIJNDEL on his home number (Telephone number 0544465650), and had a short discussion with him by telephone. I asked Mr VAN SCHIJNDEL if he would sign and return the documents that we had sent. First, Mr. VAN SCHIJNDEL told me that he did not know what I was talking about, and that he had not yet read his mail. When I asked Mr VAN SCHIJNDEL again and pointed out that we had sent him the documents several times, he informed me that he refuses to sign the documents and he does not desire to further cooperate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signed at The Hague this 24th day of October, 2007.

By


MICHEIL VAN ROOIJ, Attorney

VEREENIGDE
P.O.Box 87930
2508 DH Den Haag
THE NETHERLANDS

CLG/mc/353721.1
Enclosures

EXHIBIT A**VEREENIGDE**

Vereenigde Octrooilbureaux N.V.
 Johan de Wittlaan 7
 P.O. Box 87930
 2508 DH Den Haag
 The Netherlands

REGISTERED MAIL

Att. Mr. M. van Schijndel
 Molenaar 39
 7141 PA Groenlo

Telephone +31 (0)70 416 67 11
 Telefax +31 (0)70 416 67 99

patent@vereenigde.nl
 trademark@vereenigde.nl
 legal@vereenigde.nl
 www.vereenigde.com

Your ref.
 Our ref. P68271US00

Den Haag,
 August 3, 2007

Re: Patent application in USA 10/594,406
 Mixed Palletizer
 In the name of TRM Patenten B.V.

Dear Mr. Van Schijndel,

On September 26, 2006 a patent application was filed in the United States of America naming you as a co-inventor. We herewith send you the complete application (specification, claims and drawings) for your attention.

In order for TRM Patenten B.V. to pursue this application, several official documents need to be signed by all of the inventors. We herewith send you a Declaration and Power of Attorney and an Assignment for your signature. Please review the application we have sent you and have these documents signed and returned as soon as possible, preferably before the due date of September 1, 2007.

If needs be, you can first fax the documents to our general fax number 070 4166 799 and send the originals by mail.

If you have any questions, do not hesitate to contact the undersigned.

Yours faithfully,
VEREENIGDE

Records Department
 Vera van der Meer

encl. as mentioned

cc. TRM Patenten B.V., dhr. ing. R.G.E. Vorwerk

P105.1

EXHIBIT B**VEREENIGDE**

Vereenigde Octrooibureaux N.V.
 Johan de Wittlaan 7
 P.O. Box 87930
 2508 DH Den Haag
 The Netherlands

REGISTERED MAIL

Att. Mr. M. van Schijndel
 Molenaar 39
 7141 PA Groenlo

Telephone +31 (0)70 416 67 11
 Telefax +31 (0)70 416 67 99
patent@vereenigde.nl
trademark@vereenigde.nl
legal@vereenigde.nl
www.vereenigde.com

Your ref.
 Our ref. P68271US00

Den Haag,
 September 5, 2007

Re: Patent application in USA 10/594,406
 Mixed Palletizer
 TRM Patenten B.V.

REMINDER

Dear Mr. Van Schijndel,

Referring to our letter of August 3, 2007 we herewith remind you that we have not yet received from you the signed Declaration and Power of Attorney and Assignment for above mentioned case.

Please, sign these documents where indicated and return them as soon as possible, before September 21, 2007.

If needs be, you can first fax the documents to our general fax number +31 (0)70 4166 799 and send the originals by mail.

If you have any questions, do not hesitate to contact the undersigned.

Yours faithfully,
 VEREENIGDE

Records Department
 Vera van der Meer

P105.1

EXHIBIT C**VEREENIGDE**

Vereenigde Octrooilburéaux N.V.
 Johan de Wittlaan 7
 P.O. Box 87930
 2508 DH Den Haag
 The Netherlands

REGISTERED MAIL

Att. Mr. M. van Schijndel
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 patent@vereenigde.nl
 trademark@vereenigde.nl
 legal@vereenigde.nl
 www.vereenigde.com

Your ref.
 Our ref. P68271US00

Den Haag,
 October 9, 2007

Re: Patent application in USA 10/594,406
 Mixed Palletizer
 TRM Patenten B.V.

FINAL REMINDER

Dear Mr. Van Schijndel,

Referring to our letter of August 3, 2007 and reminder of September 5, 2007 we herewith remind you that we have not yet received the signed Declaration and Power of Attorney and Assignment for above mentioned case.

Please, sign these documents where indicated and return them as soon as possible, before October 23, 2007. We enclose a new copy of the documents for your convenience.

If needs be, you can first fax the documents to our general fax number +31 (0)70 4166 799 and send the originals by mail.

If we do not receive the executed documents before the above mentioned due date, we will presume that you are refusing to sign the documents.

Yours faithfully,
VEREENIGDE

Records Department
 Vera van der Meer

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